Sectt. II-27—100,000—21-5-52.

(3)

Home (1950) Department.

MS. **SERIES.**

G.O. No. 3552

Dated 8-8-50

[Despatch Abstract.]

Public Services - Prosecuting staff - Assistant State Prosecutors and Assistant Public Prosecutors - Duties - Consolidated.

GOVERNMENT OF MADRAS.
ABSTRACT.

Public Services - Prosecuting staff - Assistant State Prosecutors and Assistant Public Prosecutors - Duties - Consolidated.

- -

HOME DEPARTMENT.

G.O.Ms.No.3552. Dated 8th August 1950.
Read the following:

G.O.Ms.No.2077, Home, dated 15.4.39.
G.O.Ms.No.2231, ,, dated 10.9.43.
Memo.No.9436 B/45-8, Home, dated 11.9.45.
G.O.Ms.No.1643, Home, dated 25.4.47.
,, 361, ,, dated 1.2.49.
,, 1544 ,, dated 19.4.49.
,, 474 ,, dated 6.2.50.
,, 843 ,, dated 1.3.50.
,, 1954 ,, dated 29.4.50.

O R D E R:

The duties of Assistant State Prosecutors in the Madras City and Assistant Public Prosecutors in the mufassal are detailed in the Annexure to these proceedings.

(By Order of etc.,)

(Sd.) x x x
Secretary to Government.

To
All Collectors and Assistant District Magistrates
in the Superintendents and District Magistrates
in other Districts.
The Commissioner of Police, Madras.
The C.P.M., Madras.
The Inspector General of Police, Madras.
The Registrar, High Court, Madras.
The Board of Revenue, Chepauk, Madras.
w.r.t. its letter C.R.No.2669 AGK/50 MA 1, dated 27.1.50
disposed of in G.O.Ms.No.474, Home, dated 6.2.50.

ANNEXURE.
Part - A.
Assistant State Prosecutors.

(i) Assistant State Prosecutors will be attached each to one of the Presidency Magistrates' Courts. In addition to conducting the prosecution in Criminal cases in the Presidency Magistrates' courts, the Assistant S.Ps. will act as legal advisers to the Commissioner of Police and will be available for consultation by all police officers of the city Police at all times.

G.O.Ms.No. 2231, Home dated 10.9.43.

The Chief Assistant State Prosecutor who will normally be attached to the C.P.M's court should conduct prosecution in important food grain and rationing cases and expensive counsel, whether the case be heard by the Chief Presidency Magistrate or by any other Magistrate.

(ii) The Chief Assistant State Prosecutor should offer his opinion in regard to the advisability or otherwise of launching prosecutions under the Madras Buildings (Lease and Rent Control)Act,

p.t.o.

G.O.Ms.No.1954, Home, dated 29.4.50. 1946 whenever he is consulted by the Accommodation staff and under the other control Acts and orders whenever he is consulted by the departments concerned.

(iii) The Chief Assistant State Prosecutor and the other Assistant State Prosecutors should conduct in the Chief Presidency Magistrate's court and in the concerned Presidency Magistrate's Court respectively, prosecution of:-

(a) Offences under the Madras Buildings, (Lease and Rent Control) Act, 1946
G.O.No.Ms.1643, Home, dated 25.4.47.

(b) Offences under the Indian Dock Labourers(Act, 1934 and Indian Dock Labourers' Safety Regulations, 1948.
G.O.Ms.No.361, Home, dated 1.2.49.

(c) Offences under the Madras Prohibition Act, 1937 in important cases; and
G.O.Ms.No.474, Home, dated 6.2.50.

(d) Offences under the Textile Control Orders in important cases.
G.O.Ms.No.843, Home, Dated 1.3.50.

(e)Cases under the Iron and Steel (Control of Production and distribution) Order, 1941, the Iron and steel (scrap control) order, 1943, and other Control Orders, initiated by the Central Enforcement Directorate, Government of India in the Madras City.
G.O.Ms.No.4400, Home, dated 9.10.50.

(iv) Assistant State Prosecutors should, when deputed under proper authority, conduct cases under the Motor Vehicles Act before the Road Traffic Boards and cases of a miscellaneous character elsewhere.
G.O.Ms.No.1544, Home, dated 19.4.49.

PART B.
Assistant Public Prosecutors.

(1) Assistant Public Prosecutors should conduct the prosecution of cases on behalf of the Government in the Magistrates' courts.
G.O.Ms.No.2077, Home, dated 15.4.39.

2. Assistant Public Prosecutors should, when deputed under proper authority, conduct cases under the Motor Vehicles Act before the Road Traffic Boards and also cases of a miscellaneous character elsewhere
G.O.Ms.No.1544, Home, dated 19.4.49.

3. The duties and responsibilities of Assistant Public Prosecutors, Grade I, include -

(a) Distributing, directing and supervising the work of Assistant Public Prosecutors Grade II.

(b) Checking diaries of Assistant Public Prosecutors, Grade II and forwarding them to the District Magistrate ~~only~~, Collector and Assistant District Magistrate as the case may be through the District Superintendent of Police and through the Sub-Divisional Police Officer concerned, if any.

contd....3.

(c) Giving advice and guidance to Assistant Public Prosecutors, Grade II, in cases involving difficult points of law or procedure.

(d) Advising the District Superintendent of Police and Sub Divisional Police Officers when required.

(e) Appearing for the State in bail applications and preparing charge sheets in important police cases; and personally conducting the prosecution in difficult and/ or important cases as and when directed by the District Superintendent of Police.

(f) Granting casual leave to Assistant Public Prosecutors, Grade II.

4. All correspondenee except of a routine nature from and to Assistant Public Prosecutors, Grade II should ordinarily pass through Assistant Public Prosecutors, Grade I.

5. Assistant Public Prosecutors, Grades I and II should move for the withdrawal of charge sheets in police cases as and when directed by the District Superintendent of Police.

6. Assistant Public Prosecutors, Grade II will normally furnish opinions direct but will send them through Assistant Public Prosecutor, Grade I if they wish him to confirm them, or if required to do so in specific cases by the District Superintendent of Police.

Memo.No;9436-B/45-8 Home, dated 11.9.49.

7. Assistant Public Prosecutors, Grade II will assist in preparing the charge sheet in every important case which they are to conduct in courts and will prepare charge sheets on the requisition of the Inspector of Police.

8. Assistant Public Prosecutors should conduct prosecution of cases under the Iron and Steel (Control of Production and distribution Order) 1941, the Iron and Steel (scrap Control) Order, 1943 and other control orders initiated by the Central Enforcement Directorate, Government of India, in the mufassal.

G.O.Ms.No.4400, Home, dated 9.10.50.

9. Assistant Public Prosecutors should conduct prosecution of important and keenly contested cases, under the Madras Prevention of adulteration Act, if the Health Officers concerned apply for their services.

~~G.O.Ms.No.3145 Home, dated 8.8.51~~

G.O. 3145 H. d/8.8.51

10. Assistant Public Prosecutors should give legal advice to the ~~Drug Diet-Magistrates~~ Inspectors and conduct prosecution in cases under the Drugs Act, 1940.

Memo No 19735/ Cls III/53-1 dt 5716 H. d/2-3-53 G.O.Ms.2081 22.5.57

Assistant Public Prosecutors should conduct cases under the various statutory acts administered by the Factories Department by the Prosecuting staff whenever required by the Factories Department.

True Copy/.

R Thiyagarajan 27-8-86
SUPERINTENDENT.
Madras Record Office, Madras.

Vn.3.8.

MM 3/8